

CITY OF NEWBERG CITY COUNCIL MINUTES
JUNE 21, 2010
7:00 P.M. MEETING
PUBLIC SAFETY BUILDING TRAINING ROOM
401 EAST THIRD STREET

Work Session was held prior to the meeting. A discussion on a Daytime Curfew occurred. No decisions were made.

I. CALL MEETING TO ORDER

Mayor Bob Andrews called the meeting to order at 7:00 PM.

II. ROLL CALL

Members

Present:	Mayor Bob Andrews	Denise Bacon	Stephen McKinney
	Bart Rierson	Marc Shelton	Wade Witherspoon

Staff

Present:	Daniel Danicic, City Manager	Terrence Mahr, City Attorney
	Barton Brierley, Planning and Building Director	Janelle Nordyke, Finance Director
	Howard Hamilton, Public Works Director	Jennifer Nelson, Recording Secretary
	David Beam, Economic Development Planner	

Others

Present: Pat Haight, William Elder, and Hank Grum

III. PLEDGE OF ALLEGIANCE

The Pledge of Allegiance was not performed, as the American flag was not present.

IV. CITY MANAGER'S REPORT

Mr. Daniel Danicic, City Manager, spoke of upcoming items to be discussed at upcoming meetings, such as the League of Oregon Cities (LOC) legislative priorities on July 6, 2010, with a return response by July 16, 2010; Tier 2 of the Newberg-Dundee Bypass is open for public comment, a formal letter needs to be presented to the Oregon Department of Transportation (ODOT) in support or with concerns; Council Guidelines and Rules will be discussed on July 19, 2010, specifically regarding public testimony and the submission of written comments; a proposal for the Visitor Center funding will be discussed on July 6, 2010; and a review of the vision mission statements from one year ago will need to be scheduled with a Mid-Willamette Valley Council of Governments (MVCOG) representative facilitating to start towards completion in September.

V. APPOINTMENTS

Consider a motion to appoint Mr. Barry Horn for a term expiring June 30, 2014, and Mr. Michael Espana-McGeehon for a term expiring June 20, 2011, to the Library Board.

TIME – 7:16 PM

Mr. Barry Horn and Mr. Michael Espana-McGeehon, the two candidates for the Library Board positions each approached the Council and gave brief introductions.

Ms. Leah Griffith, Library Director, stated she has no say in the decisions made by the Library Board, but added the Library Board was very impressed with both candidates and recommended both for the vacant positions.

MOTION: Rierson/Shelton to ratify the Mayor's decision appointing Mr. Barry Horn for a term expiring June 30, 2014, and Mr. Michael Espana-McGeehon for a term expiring June 20, 2011, to the Library Board. (6 Yes/0 No/1 Vacant) Motion carried.

VI. PUBLIC COMMENTS

Ms. Pat Haight spoke of her concerns for documents being taken out of the library at the May 17, 2010, meeting and she returned to ask if there has been an update from the City Manager.

Mr. Danicic responded that copies of written documents stopped being printed at the library a while ago and the transition began to have all of them available online. He spoke with the Library Director, who could not remember the last time someone asked to see these kinds of documents, but library computers were available to view them online. If a printed copy is desired, the individual can come to City Hall to make a request.

Councilor Rierson added the Library Director would also make exceptions for other resource computers to be used if others were booked and volunteer staff could help to find the information.

Ms. Haight argued that not all documents are on the computer. She understands the effort to get everything online, but until the system is ready the City is denying access to public records. She did not feel it was fair that she had to give her name just to see four pages of a public record.

Councilor Rierson said that all information will be available and he felt it was reasonable to expect a name to be given if a reply is expected.

VII. CONSENT CALENDAR

1. Consider a motion adopting **Resolution No. 2010-2902** establishing a funded low income residential utility bill assistance program based upon information, outreach, water audits, plumbing rehabilitation, and direct utility bill credits.

This item was pulled from the Consent Calendar and added to the agenda for discussion under Old Business.

2. Consider a motion adopting **Resolution No. 2010-2906** amending the City of Newberg Employees Retirement Plan to authorize the Retirement Plan to make benefit payments to Al Blodgett in July 2009.

This item was pulled from the Consent Calendar and added to the agenda for discussion under New Business.

3. Consider a motion adopting **Resolution No. 2010-2907** amending the tax remedy benefit in the City of Newberg Employees Retirement Plan to conform to the amendment of the PERS tax remedy benefit in 2009 Oregon Laws chapter 868, section 1.
4. Consider a motion approve a **Sound Permit** for Newberg Friends Church Annual Outdoor Worship Service on July 11, 2010.

5. Consider a motion approving **City Council Minutes** for May 17, 2010.

MOTION: Shelton/McKinney approving the Consent Calendar including **Resolution No. 2010-2907** amending the tax remedy benefit in the City of Newberg Employees Retirement Plan to conform to the amendment of the PERS tax remedy benefit in 2009 Oregon Laws chapter 868, section 1; a Sound Permit for Newberg Friends Church Annual Outdoor Worship Service on July 11, 2010; and the City Council Minutes for May 17, 2010 as amended. (6 Yes/0 No/1 Vacant) Motion carried.

VIII. PUBLIC HEARING

1. Consider a motion adopting **Ordinance No. 2010-2728** approving the final assessments for the Columbia Drive (Group B) Local Improvement District Project.

TIME – 7:27 PM

Mayor Andrews called for any conflicts of interest or abstentions; none appeared.

Mr. Howard Hamilton, Public Works Director, presented the staff report (see official meeting packet for full report).

Councilor Bart Rierson asked for clarification from staff about the improvements being only for Group B. Staff directed their attention to page thirty-seven and pointed out which improvements were completed.

Mayor Andrews asked if the northwest corner of College Street and Columbia Drive were already improved with other development. Staff replied some improvements were part of the subdivision.

Councilor Marc Shelton asked about improvement with the Main Street improvement project being completed there. Staff replied that project is on hold because of the economic situation at this time, it is not included with the ODOT stimulus projects.

Mayor Andrews asked about the fiscal impact on the City's portion of the improvement costs and if there was a change from the initial commitment. Staff replied there was a little increase from the original commitment because of a need for a relocation of a water line, but staff did not have the original value on hand to compare those prices.

Mayor Andrews opened the public testimony.

Mr. William Elder said he lives on Main Street and is the President of the Trustees of the Presbyterian Church. He submitted a letter to the City Recorder and asked if the Council had been able to read it. It had not been received so he read it as part of his verbal testimony. His main concerns were that public works officials spoke of the costs being lower than estimated, but this was not reflected in the final assessment he received since it was one thousand dollars higher. Since he is accountable to the board of trustees, he needs to answer their questions about the improvement project, so he needs an explanation from the City first (see official meeting packet for full report).

Mayor Andrews closed the public testimony.

Mr. Hamilton further explained the water line was relocated because the plan did not show the correct depth. Once the street was opened, the water line had to be lowered, which was an additional cost. The work was all part of one project, which would not have been done if the improvement project had not come about. It was lowered just along the frontage of that property. Staff recommended approval of the final assessments.

Councilor Shelton stated there was a \$30,615.00 increase from the original estimate.

Mr. Danicic clarified with staff that letters were mailed to each individual with the estimated assessment.

Mr. Elder confirmed his receipt of the estimate but said his understanding that the bid came in less than estimated, which is what prompted him to write the letter.

Mr. Danicic suggested not adopting the final assessment this evening in order to allow staff to go back and provide answers to the participants and so the costs are thoroughly understood.

MOTION: Witherspoon/McKinney to postpone deliberation to July 19, 2010, on **Ordinance No. 2010-2728** and the final assessments for the Columbia Drive (Group B) Local Improvement District Project until staff researches and provides documentation to the increase; accepting the letter from Mr. Elder into the record and closing the record. (6 Yes/0 No/1 Vacant) Motion carried.

2. Consider a motion adopting **Resolution No. 2010-2898** adopting the 2010-11 Budget, and appropriating as recommended by the Budget Committee on May 25, 2010, and including election to participate in the State Revenue sharing Program.

TIME – 7:48 PM

Ms. Janelle Nordyke, Finance Director, presented the staff report (see official meeting packet for full report).

Discussions occurred concerning the percentage of the revenue sharing from previous years to this year as well as how discrepancies in the Animal Shelter Fund 24 between what was budgeted and what was spent; staff stated this will be accounted for through a Supplemental Budget in September. An assessment of property tax revenue is also anticipated for a 92% collection.

Mayor Andrews called for any conflicts of interest or abstentions; none appeared. He opened the public testimony.

Mr. Hank Grum asked about the numbers in the Animal Shelter Fund; staff explained the estimated expenditure was approximately \$255,000.00 and the remaining will be in the next fiscal year because the project will not get us that far in the design phase; all of this will be reconciled in a Supplemental Budget. Mr. Grum continued with questions about the old animal shelter property being deeded to Habitat for Humanity; he wondered what the value of the property was and if the City could really afford to donate that property when water rates are being raised to pay back the waste water treatment plant, which the animal shelter has to reimburse. Mr. Grum asked Mayor Andrews if the plan to donate the animal shelter property on Blaine Street to Habitat for Humanity was final.

Mayor Andrews referred the question to the City Manager; Mr. Danicic replied Habitat for Humanity would receive the property at no cost.

Mr. Grum asked if this meant the answer is yes and the City would donate the property.

Mayor Andrews said he had his answer.

Mr. Danicic added an assessment of the value of the property has not been performed at this point and the value of the land has not been figured into the animal shelter project at this time. Council agreed to direct staff to create a development agreement with Habitat for Humanity for an affordable housing project; this is not complete and will come to the Council for final approval. It was a policy decision to donate the land.

Ms. Haight stated that she has reviewed the budget book and noticed columns did not add up and many forwarded balances were not correct. She also spoke of effluent reuse and the cost of watering the golf course putting the City into debt by \$13,000,000.00. She felt more time needed to be taken to proofread the budget document because it is inefficient and not right.

Mayor Andrews closed the public testimony.

Mr. Terry Mahr, City Attorney, added that an assessment of the old animal shelter property has not been completed recently but there was one completed a few years ago and staff will look for that assessment.

Ms. Nordyke recommended adopting the Budget as amended.

Councilor Rierson asked staff to state for the record the results of the recent audit of the City's budget. Staff replied the fiscal year Budget ending in 2009 was prepared by an outside auditor as required by Oregon State law and they did not have any findings. There were no material misstatements or double negatives and we were in compliance. They gave an unqualified opinion, which is the highest you can get.

Councilor Stephen McKinney thanked staff for their hard work and stated he has received satisfactory answers to the questions he had. His only concerns remaining were with the denial of the Cost of Living Adjustment (COLA) for unrepresented employees.

MOTION: Shelton/Witherspoon adopting Resolution No. 2010-2898 adopting the 2010-11 Budget, and appropriating as recommended by the Budget Committee on May 25, 2010, and including election to participate in the State Revenue Sharing Program as amended with the addition of a 50/50 percent allocation. (6 Yes/0 No/1 Vacant) Motion carried.

IX. OLD BUSINESS

Consider a motion adopting **Resolution No. 2010-2902** establishing a funded low income residential utility bill assistance program based upon information, outreach, water audits, plumbing rehabilitation, and direct utility bill credits.

TIME – 8:28 PM

This item was pulled from the Consent Calendar.

Councilor Wade Witherspoon felt a more stringent procedure was needed to decide who is allocating the funds and how much; he felt more criteria was needed.

Councilor Rierson wondered how to direct staff to initiate a reevaluation mid-year of where the funds are expended and to give them to those who make the best use of the money.

MOTION: Shelton/Witherspoon adopting Resolution No. 2010-2902 establishing a funded low income residential utility bill assistance program based upon information, outreach, water audits, plumbing rehabilitation, and direct utility bill credits.

Mayor Andrews asked if anyone can ask for a water audit. Staff replied the City has to pay for each audit and they are limiting the expense to a target group; anyone can ask, but only a qualified citizen can be recognized.

Councilor Rierson felt it would still be helpful to citizens that do not qualify. He said it is a beneficial tool for all citizens and if there is a way this can be facilitated by the City he would like to try. Staff replied the energy

trust does not provide water audits until an individual qualifies for an Investment Grade Audit (IGA) through the City.

Councilor McKinney stated he was reluctant to approve this because he happens to be one of those that falls through crack, but he is hoping in the future the City can fix this for those who are not going to be helped with this proposal tonight.

Mr. Danicic stated that staff has been directed to look with the CRRC into renters and others that do not qualify or fall into this program.

VOTE: To adopt **Resolution No. 2010-2902**. (6 Yes/0 No/1 Vacant) Motion carried.

MOTION: Rierson/Witherspoon to work with the CRRC to review agencies using the relief part of the program and look at the allocation of resources so agencies that are more effective at using the funds are given preference and to determine criteria for granting how the funds will be used and to expand the water audit program to include all water users. (6 Yes/0 No/1 Vacant) Motion carried.

X. NEW BUSINESS

1. Consider a motion approving **Resolution No. 2010-2908** supporting the submission of a grant application to the State of Oregon to fund sidewalk improvements along College Street. The application would be submitted under ODOT's Bicycle and Pedestrian Grant Program.

TIME – 8:45 PM

Mr. David Beam, Economic Development Planner, presented the staff report (see official meeting packet for full report).

Discussions occurred about the sidewalk improvement locations and if contiguous sidewalk would be provided, the ability to acquire needed property, the width of the road in certain areas, and safety for bicycle and pedestrian traffic.

Councilor Rierson suggested the City Manager look into identifying areas with a narrow right-of-way and contact the property owners to convince them to deed the right-of-way to the City as a way to improve the value of their property with the incentive of a free sidewalk built with grant money. Mr. Danicic asked if Council was comfortable with the expenditure of the funds to complete this survey.

Councilor Shelton thought the costs could be lowered by using the City's own surveyor.

Councilor Rierson felt it would be a wise investment.

Mr. Danicic recalled a consultant was hired about seven years ago; he will have staff review this and prepare a report by completing the adjustments internally for an estimate.

MOTION: Rierson/Bacon approving **Resolution No. 2010-2908** supporting the submission of a grant application to the State of Oregon to fund sidewalk improvements along College Street. The application would be submitted under ODOT's Bicycle and Pedestrian Grant Program. (6 Yes/0 No/1 Vacant) Motion carried.

2. Consider a motion adopting **Resolution No. 2010-2906** amending the City of Newberg Employees Retirement Plan to authorize the Retirement Plan to make benefit payments to Al Blodgett in July 2009.

TIME – 8:59 PM

This item was pulled from the Consent Calendar and added to the agenda for discussion under New Business.

Ms. Nordyke presented the staff report (see official meeting packet for full report).

Discussion occurred to make sure this only addressed the overpayment made to Mr. Al Blodgett, and has no effect on the city other than to correct the error. It is a one time only adjustment to keep the City in compliance. There were concerns a precedence was being set, the City Attorney stated this was not setting a policy and is not the way the City conducts business; the record states that this is only to correct an administrative error.

MOTION: Shelton/Witherspoon approving **Resolution No. 2010-2906** amending the City of Newberg Employees Retirement Plan to authorize the Retirement Plan to make benefit payments to Al Blodgett in July 2009 to correct an administrative error. (6 Yes/0 No/1 Vacant) Motion carried.

XI. COUNCIL BUSINESS

TIME – 9:09 PM

Mr. Danicic presented the District No. 6 vacancy rankings in order to select the top candidates for interviews.

MOTION: Witherspoon/Shelton to call the top five ranked candidates back for an interview at the June 28, 2010, Special Council Meeting including Ryan Howard, Ray Waller, Ernie Amundson, Jr., Dale Farris, and Robert Fitzner. (6 Yes/0 No/1 Vacant) Motion carried.

Councilor Rierson spoke of the next meeting with the school board and the importance of configuring the room to show an atmosphere of partnership regarding the daytime curfew issue. Discussions followed about past arguments and the benefits of this as a tool for the police department.

Mayor Andrews recessed for five minutes at 9:33 PM.

XII. EXECUTIVE SESSION

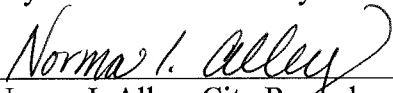
Executive Session pursuant to ORS 192.660(2)(I) relating to performance review of the city attorney.

City Council convened into Executive Session at 9:37 PM. No decisions were made.

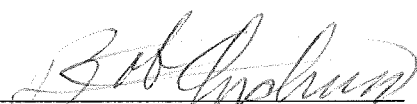
XIII. ADJOURNMENT

The meeting adjourned at 10:13 PM.

ADOPTED by the Newberg City Council this 16th day of August, 2010.


Norma I. Alley, City Recorder

ATTEST by the Mayor this 19th day of August, 2010.


Bob Andrews, Mayor